

Message Text

LIMITED OFFICIAL USE

PAGE 01 KUALA 03859 040947Z
ACTION L-03

INFO OCT-01 EA-10 ISO-00 CA-01 JUSE-00 SNM-05 SSO-00
/020 W

-----016420 040952Z /13

O 040920Z MAY 78

FM AMEMBASSY KUALA LUMPUR

TO SECSTATE WASHDC IMMEDIATE 4013

LIMITED OFFICIAL USE KUALA LUMPUR 3859

E. O. 11652: N/A

TAGS: SNAR, MY

SUBJ: EXTRADITION: CHUA HAN MOW

REF: (A) KUALA LUMPUR 3406, (B) KUALA LUMPUR 2817

1. THE EMBASSY HAS BEEN ASKED BY ARIFFIN AND OOI, THE ATTORNEYS RETAINED TO REPRESENT USG INTERESTS IN THE CHUA HAN MOW EXTRADITION CASE, WHETHER WE WISH THEM TO APPEAR ON OUR BEHALF IN THE HIGH COURT APPEAL OF THE SESSIONS COURT DECISION TO APPROVE EXTRADITION. (THE APPEAL HEARING ORIGINALLY SCHEDULED FOR MAY 15, HAS BEEN POSTPONED UNTIL LATER IN MAY AT THE REQUEST OF PUBLIC PROSECUTOR. ZAKARIA YATIM, THE HEAD OF THE LAW MINISTRY'S INTERNATIONAL LAW DIVISION, PROSECUTED THE LOWER COURT CASE AND IS ABOUT TO LEAVE FOR THE LAW OF THE SEA CONFERENCE IN GENEVA; HE EXPECTS TO BE BACK IN LATE MAY). ARRIFIN AND OOI HAVE ALSO ASKED WHETHER WE WISH THEM TO REPRESENT US IN THE SESSIONS COURT EXTRADITION HEARING BASED ON THE INDICTMENT BY THE DISTRICT COURT OF THE NORTHERN DISTRICT OF CALIFORNIA, NOW SCHEDULED FOR MAY 9.

2. THE EMBASSY'S ORIGINAL RECOMMENDATION THAT THE USG HIRE A LAWYER TO REPRESENT OUR INTERESTS IN THE CHUA EXTRADITION CASE WAS MADE ON THE ADVICE OF THE THEN MINISTER OF LAW, TAN SRI KADIR YUSOF, IN SPET 1977. THE ATTORNEY WE ENGAGED, RASHID MANAF

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 KUALA 03859 040947Z

OF ARRIFIN AND OOI, CONSULTED WITH GOM ATTORNEY ZAKARIA AND APPEARED AT ALL SESSIONS OF THE LENGTHY LOWER COURT HEARING WHICH CULMINATED IN A DECISION ON APRIL 7 TO GRANT EXTRADITION BASED ON THE INDCTMENT IN THE EASTERN DISTRICT OF NEW YORK. HOWEVER, RASHID'S SUBSTANTIVE CONTRIBUTION TO THE CASE HAS BEEN MARGINAL, PARTLY BECAUSE ZAKARIA PURSUED THE PROSECUTION VIGOROUSLY.

3. ARIFFIN AND OOI WERE ENGAGED TO REPRESENT USG INTERESTS DIRECTLY BY THE JUSTICE DEPARTMENT IN A LETTER TO EHM DATED OCT 27, 1977. THAT LETTER SPECIFIED THAT THEY WOULD RECEIVE A FEE NOT TO EXCEED U.S. \$600 TO REPRESENT THE USG IN A LOWER COURT HEARING PLUS AN ADDITIONAL U.S. \$1,000 IF THERE WAS AN APPEAL TO A HIGHER COURT. IN OUR OPINION THE ATTORNEY WAS THUS ENGAGED TO REPRESENT US THROUGH THE COMPLETION OF THE CASE (I.E. THE CASE WHICH ORIGINATED IN THE EASTERN DISTRICT OF NEW YORK-- THE EXTRADITION REQUEST BASED ON THE CALIF CASE HAD NOT BEEN MADE THEN).

4. UNLESS INSTRUCTED OTHERWISE BY THE DEPT., WE PROPOSE TO ANSWER ARIFFIN AND OOI BY AFFIRMING THAT (A) IN ACCORDANCE WITH THE JUSTICE DEPARTMENT LETTER OF OCT 27, WE EXPECT THEM TO REPRESENT THE USG IN THE HIGH COURT APPEAL HEARING SCHEDULED LATE IN MAY AT THE FEE SPECIFIED IN THE LETTER; AND (B) WE WILL NOT ENGAGE THEIR SERVICES IN THE SESSIONS COURT HEARING BASED ON THE CALIF INDICTMENT.

5. WE WILL ENSURE THAT AN EMBASSY OFFICER IS PRESENT AT EVERY SESSION OF THE HEARING WHICH BEGINS ON MAY 9 (AS WE HAVE HAD AT EVERY HEARING THUS FAR). HOWEVER, IF WE FOLLOW THE COURSE OUTLINED IN PARA 4, THE USG WILL TECHNICALLY NOT BE DIRECTLY REPRESENTED BY LEGAL COUNSEL IN THAT HEARING. (WE DO HAVE FULL CONFIDENCE IN THE ABILITIES OF MOHD SHAFEE ABDULLAH, THE GOM LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 KUALA 03859 040947Z

ATTORNEY WHO WILL PROSECUTE THE CASE.)

6. REQUEST DEPT. CONSULT WITH THE JUSTICE DEPT. AND APPROVE THE COURSE OF ACTION DESCRIBED ABOVE. IF JUSTICE DOES NOT AGREE BUT FEELS IT IS NECESSARY THAT WE HIRE AN ATTORNEY FOR THE MAY 9 HEARING, WE WILL INFORM ARIFFIN AND OOI THAT WE DO REQUIRE THEIR SERVICES AND THAT THE JUSTICE DEPARTMENT WILL PAY THEM AN ADDITIONAL U.S. \$600 TO APPEAR FOR US UNTIL A SESSIONS COURT DECISION IS RENDERED. (IT STILL APPEARS POSSIBLE THAT, SHOULD EXTRADITION BE APPROVED BY THE SESSIONS COURT IN THE CALIF CASE, BOTH THE NEW YORK AND CALIF CASES WILL BE JOINED IN THE HIGH COURT APPEAL. IF THEY ARE NOT FORMALLY JOINED, THE HIGH COURT DECISION ON THE FIRST APPEAL WILL PROBABLY SETTLE THE MAJOR CONSTITUTIONAL QUESTIONS AND THUS STRONGLY INFLUENCE THE DECISION ON ANY APPEAL OF THE CALIF CASE. IN ANY EVENT, IF JUSTICE THINKS WE NEED A LAWYER FOR THE CALIF CASE, WE SHOULD ONLY COMMIT OURSELVES NOW TO ENGAGING HIS SERVICES FOR THE LOWER COURT HEARING).

7. REQUEST REPLY BY COB WASHINGTON TIME MAY 5, IF POSSIBLE.
MILLER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EXTRADITION, DRUG TRAFFIC
Control Number: n/a
Copy: SINGLE
Draft Date: 04 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978KUALA03859
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780190-0294
Format: TEL
From: KUALA LUMPUR
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780594/aaaadcbl.tel
Line Count: 115
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: beea98a4-c288-dd11-92da-001cc4696bcc
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 KUALA LUMPUR 3406, 78 KUALA LUMPUR 2817
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2795252
Secure: OPEN
Status: NATIVE
Subject: EXTRADITION: CHUA HAN MOW
TAGS: SNAR, PDIP, MY, (CHUA HAN MOW)
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/beea98a4-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014